

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:13CR149
v.	§	Judge Mazzant
	§	
XIA XU (5)	§	

ELEMENTS OF THE OFFENSE

The defendant, **Xia Xu (Xu)**, is charged in Count One of the Indictment with violating 18 U.S.C. § 371, Conspiracy to Use Interstate Facility To Promote, Manage, Establish, Carry On, and Facilitate Unlawful Activity in violation of 18 U.S.C. § 1952(a)(3). The elements of the offense that the government must prove beyond a reasonable doubt, but that **Xu** would admit if her plea is accepted, are:

18 U.S.C. § 371

1. That the defendant and at least one other person made an agreement to commit the crime as charged in the Indictment;
2. That the defendant, knowing the unlawful purpose of the plan, willfully joined in it with the intent to further the unlawful purpose; and
3. That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the Indictment in order to accomplish some object or purpose of the conspiracy.

18 U.S.C. § 1952(a)(3)

1. The defendant or others engaged in interstate or international travel, used the mails, or used facilities of interstate or foreign commerce;

2. With the intent to promote, manage, establish, carry on or facilitate the promotion, management, establishment or carrying on of any unlawful activity; and
3. The defendant or others engaged in the subsequent performance of an act as defined by the statute.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

/s/

Marisa J. Miller
Assistant United States Attorney
New York Bar No. 4366415
101 East Park Boulevard, Suite 500
Plano, Texas 75074
(972)509-1201
(972)509-1209 (fax)
Marisa.Miller@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a copy of this document was served by electronic filing to opposing counsel on April 19, 2016.

/s/

Marisa J. Miller